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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,140	11/07/2001	Masanori Gunji	P284090 T4HW-01S1386-1	4652
909	7590	05/17/2006	EXAMINER FLETCHER, JAMES A	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2621	
			PAPER NUMBER	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,140	<b>Applicant(s)</b> GUNJI ET AL.	
	<b>Examiner</b> James A. Fletcher	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***New Art Unit***

1. Please include the new Art Unit 2621 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2616, will be assigned to new Art Unit 2621. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4 and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsumagari et al (6,480,669).

**Regarding claims 1 and 6**, Tsumagari et al disclose an apparatus and method for recording video data on recording medium having a chapter information recording area comprising:

- a recording processor to record video data on the recording medium (Col 1, lines 14-18 "an apparatus/method capable of real-time digital recording of a

video picture and the like, and a digital information medium (real-time digital video recording/playback system) used in the apparatus/method”);

- an input section configured to cause the recording processor to direct a temporary halt of a recording operation (Col 30, line 2 “at the pause of recording”);
- a chapter manager to automatically store a position information of the video data to the chapter information recording area as a chapter boundary information of the video data when the recording operation of the recording processor is temporarily halted by the input section and restarted after the temporary halt (Col 29, line 66 – Col 30, line 6 “Note that the RTR video recorder automatically enters entry points at the start of recording, at the end of recording, at the pause of recording...and so forth, in addition to the aforementioned process for entering entry points at given time intervals irrespective of recorded contents”);
- a thumbnail setting section configured to set a top picture as a thumbnail image when the recording processor restarts the recording operation after the temporary halt (Col 31, lines 27-29 “At each entry point entered by the user, an image [obtained by reducing the I-picture of MPEG] at that position is extracted as a thumbnail”).

**Regarding claims 2 and 7,** Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the thumbnail setting section stores the thumbnail image on the recording medium (Col

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10, lines 59-61 "the dummy pack can be used to store reduced-scale image (thumbnail picture) data which is displayed on a user menu, as needed" and Col 2, lines 18-20 "The designation information (M\_CI) records entry point information (M\_C\_EPI) for designating the playback position in an object").

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al.

**Regarding claim 3,** Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the input section comprises a remote controller having an entry point key (Col 26, lines 61-65), as well as describing pause locations as being entry points as analyzed and discussed above, but does not specifically disclose the remote control having a pause feature.

The examiner takes official notice that remote controls having pause features are notoriously well known, commercially available, and widely used, providing a user with the ability to temporarily suspend recording or playback of signals in order to eliminate undesired program material or to begin recording with precision.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al in order to include a remote control with a pause function.

**Regarding claims 4 and 9,** Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area further comprising a pausing director that automatically directs the recording processor to denote an entry point upon detecting that an audio signal of the video data has changed levels (Col 30, lines 7-12), but does not specifically disclose causing a pause when the audio changes from a monophonic signal to a stereophonic signal.

As suggested by Tsumagari et al, sensing changes in an audio signal for the purpose of denoting an entry point in a video program is well known, providing the user with the ability to automatically assign entry points at program change points.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al in order to initiate a pause that denotes an entry point when the audio signal changes from monophonic to stereophonic.

**Regarding claim 8,** Tsumagari et al disclose an apparatus for recording video data on recording medium having a chapter information recording area wherein the entry point designation is noted by a remote device (Col 26, lines 61-65), and that an entry point may be caused by a temporary halting of the recording operation as analyzed and discussed above, but does not specifically disclose a pause that is initiated by a remote device.

The examiner takes official notice that remote controls having pause features are notoriously well known, commercially available, and widely used, providing a user with the ability to temporarily suspend recording or playback of signals in order to eliminate undesired program material or to begin recording with precision.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tsumagari et al to include the use of a remote control having a pause button.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
9 May 2006

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262-2624**